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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/801,310	03/07/2001	Liron Frenkel	6727/01381 US0	2657

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EXAMINER

CORRIELUS, JEAN B

ART UNIT PAPER NUMBER

2637

DATE MAILED: 05/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/801,310

**Applicant(s)**

FRENKEL ET AL.

**Examiner**

Jean B Corrielus

**Art Unit**

2637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 January 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-10 and 19-29, 38-40 is/are allowed.
- 6) ☒ Claim(s) 11-14 and 30-33 is/are rejected.
- 7) ☒ Claim(s) 15-18 and 34-36 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### DETAILED ACTION

1. The affidavit filed on 1/6/05 under 37 CFR 1.131 is sufficient to overcome the May et al reference

#### ***Claim Objections***

2. Claims 3-4, 36, 38 and 40 are objected to because of the following informalities:  
Claim 3, line 1, ", and" should be replaced by --further--.  
Claim 4, line 1, ", and" should be replaced by --further--.  
Claim 36, line 1, ", and" should be deleted.  
Claim 38, line 1, ", and" should be replaced by --further--.  
Claim 40, line 1, ", and" should be deleted. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 11, 14, 30 and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by De La Bourdonnaye US Patent No 5,212,687.

De La Bourdonnaye disclose a device comprising an input unit 48, coupled to a plurality of communication lines for carrying signals at respective baud rates (see output of the demux 48 and col. 2, lines 20-24), and operative to transfer the signals received

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on the lines at an input rate determined by a common system clock (receive clock 62), substantially unsynchronized with the baud rates (i.e. clock and baud rates are determined independently) of at least some of the lines; and a plurality of digital processing channels (see 50-54), each coupled to the input unit 48 so as to receive the signals at the input rate from a respective one of the lines and to process the signals so as to output symbols at one of the baud rates that is applicable to the signals carried on the respective one of the lines (col. 2, lines 20-24 were A' B' C' replicate the rate of A, B and C.)

Claim 30 is likewise rejected as claim 30 includes similar limitations as in claim 11.

As per claim 14, De La Bourdonnaye is shown to teach receiving at least first and second signals at different rates (see for instance 50 and 52 and col.2, lines 20-24) and fig. 1 shows that the signals are processed simultaneously in different processing channels so as to output symbols at the first and second rates.

. See for instance (50 and 52) at the first and second rates.

Claim 33 is likewise rejected as claim 33 includes similar limitations as in claim 14.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 12-13, 31 and 32 rejected under 35 U.S.C. 103(a) as being unpatentable over De La Bourdonnaye.

As applied to claim 11 and 30 above De La Bourdonnaye teaches every feature of the claimed invention but does not explicitly teach the used of an analog front end to sample the signals at the input rate and to convey the sampled signals to the digital processing channels. However, it is noted that an analog front end is well known in the art. Given that fact, it would have been obvious to one skill in the art to modify De La Bourdonnaye by incorporating an analog front end to sample the signals at the input rate and to convey the sampled signals to the digital processing channels so as to be able to receive signals over analog lines where digital line like T-1 for instance is not available.

Claim 31 is likewise rejected as claim 31 includes similar limitations as in claim 12.

As per claim 13, De La Bourdonnaye is shown teaching a transmitter coupled to a receiver it would have been obvious to one skill in the art to couple a transceiver to another transceiver so as to allow to users to establish a two way communications by transmitting and receive and transmit signal to enhance system flexibility. Note that a modem in De La Bourdonnaye is inherent so as to provide a mechanism to allow conversion to a form suitable for transmission/or reception.

The same analysis applies equally to 32.

***Allowable Subject Matter***

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7. Claims 15-18 and 34-36 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. 1-10, 19-29 and 37-40 are allowed. However, the claims must be amended if necessary to overcome any objection sets forth above.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean B. Corrielus whose telephone number is 571-272-3020. The examiner can normally be reached on Maxi-Flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on 571-272-3086. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Jean B Corrielus  
Primary Examiner  
Art Unit 2637

5-14-05